

IN THE CLAIMS:

Please amend the claims as follows.

1. (Currently Amended) An orthopedic appliance, comprising a wedge ~~for placement~~ adapted to be placed beneath a toe, forward of and not extending under the center of a first metatarsal, having a first upper surface disposed between a first end and an apex, a second upper surface, disposed between the apex and a second end, wherein the first upper surface is separated from a lower planar surface by an angle of inclination between 1 and 60 degrees in a proximal to distal direction ~~substantially parallel to a medial column of the foot, whereby a distal end of~~ such that, when the wedge is properly placed and fitted, a proximal phalanx is ~~raised~~ deflected upwardly with respect to ~~a distal end of~~ the first metatarsal.
2. (Original) The orthopedic appliance of claim 1, wherein the angle of inclination is between 1 and 20 degrees.
3. (Withdrawn) The orthopedic appliance of claim 1, wherein the wedge is formed integrally as a part of a piece of footwear.
4. (Withdrawn) The orthopedic appliance of claim 1, wherein the wedge comprises an elastomeric material.
5. (Withdrawn) The orthopedic appliance of claim 1, wherein the wedge comprises a material selected from the group consisting of cork, leather, resilient foam, and thermoplastic material.
6. (Withdrawn) The orthopedic appliance of claim 1, wherein a concave depression is formed in the first and second upper surfaces.

7. (Withdrawn) The orthopedic appliance of claim 1, further comprising at least one fastener.
8. (Withdrawn) The orthopedic appliance of claim 7, wherein at least one fastener comprises a plurality of bands disposed adjacent the first and second upper surfaces.
9. (Withdrawn) The orthopedic appliance of claim 7, wherein the at least one fastener comprises a sheath disposed adjacent the first and second upper surfaces.
10. (Withdrawn) The orthopedic appliance of claim 1, wherein a valgus angled grade, between 1 and 45 degrees, is formed in the second upper surface.
11. (Withdrawn) The orthopedic appliance of claim 10, wherein a valgus angled grade, between 1 and 45 degrees, is formed in the first upper surface.
12. (Withdrawn) The orthopedic appliance of claim 11, wherein a concave depression is formed in the first and second upper surfaces.
13. (Withdrawn) The orthopedic appliance of claim 1, wherein a varus angled grade, between 1 and 45 degrees, is formed in the second upper surface.
14. (Withdrawn) The orthopedic appliance of claim 13, wherein a varus angled grade, between 1 and 45 degrees, is formed in the first upper surface.
15. (Withdrawn) The orthopedic appliance of claim 14, wherein a concave depression is formed in the first and second upper surfaces.
16. (Withdrawn) The orthopedic appliance of claim 1, further comprising a convex contour along a medial edge.
17. (Withdrawn) The orthopedic appliance of claim 16, further comprising a concave contour along a lateral edge.

18. (Withdrawn) The orthopedic appliance of claim 16, further comprising a convex contour along a lateral edge.

19. (Withdrawn) The orthopedic appliance of claim 16, further comprising a serpentine contour along a lateral edge.

20. (Withdrawn) The orthopedic appliance of claim 1, further comprising an angled grade disposed along a lateral edge.

21. (Currently Amended) An apparatus for orthopedic treatment, comprising:  
a first upper surface adapted to support a proximal phalanx;  
a second upper surface adapted to support a distal phalanx;  
a bottom surface; and  
a support ~~which maintains~~ adapted to deflect the proximal phalanx upwardly in a proximal to distal direction, at an angle of inclination between the first upper surface and the bottom surface, relative to a first metatarsal; wherein,  
the support, when properly sized and placed, will lie forward of, and will not extend beneath, the center of the first metatarsal.

22. (Original)The apparatus of claim 21, wherein the angle of inclination is between 1 and 60 degrees.

23. (Original)The apparatus of claim 21, wherein the angle of inclination is between 1 and 20 degrees.

24. (Withdrawn) The apparatus of claim 21, wherein the support is formed integrally as part of a piece of footwear.

25. (Withdrawn) The apparatus of claim 21, wherein a concave depression is formed in the first and second upper surfaces.
26. (Withdrawn) The apparatus of claim 21, further comprising at least one fastener.
27. (Withdrawn) The apparatus of claim 26, wherein the at least one fastener comprises a plurality of bands disposed adjacent the first and second upper surfaces.
28. (Withdrawn) The apparatus of claim 26, wherein the at least one fastener comprises a sheath disposed adjacent the first and second upper surfaces.
29. (Withdrawn) The apparatus of claim 21, wherein a valgus angled grade between 1 and 45 degrees is formed in the second upper surface.
30. (Withdrawn) The apparatus of claim 29, wherein a valgus angled grade between 1 and 45 degrees is formed in the first upper surface.
31. (Withdrawn) The apparatus of claim 30, wherein a concave depression is formed in the first and second upper surfaces.
32. (Withdrawn) The apparatus of claim 21, wherein a varus angled grade between 1 and 45 degrees is formed in the second upper surface.
33. (Withdrawn) The apparatus of claim 32, wherein another varus angled grade between 1 and 45 degrees is formed in the first upper surface.
34. (Withdrawn) The apparatus of claim 33, wherein a concave depression is formed in the first and second upper surfaces.
35. (Withdrawn) The apparatus of claim 21, wherein a convex contour is formed along a medial edge.

36. (Withdrawn) The apparatus of claim 35, wherein a concave contour is formed along a lateral edge.
37. (Withdrawn) The apparatus of claim 35, wherein a convex contour is formed along a lateral edge.
38. (Withdrawn) The apparatus of claim 35, wherein a serpentine contour is formed along a lateral edge.
39. (Withdrawn) The apparatus of claim 21, wherein an angled grade is formed along a lateral edge.
40. (Currently Amended) A method for improving stability of a foot during ambulation, comprising:  
providing fitting and placing a wedge having a first upper surface, a second upper surface, and a bottom surface, ~~wherein~~ such that the wedge is located forward of, and does not extend under, the center of a first metatarsal; and elevating deflecting a proximal phalanx upwardly in a proximal to distal direction, to a predetermined angle of inclination using the wedge, relative to a first metatarsal.
41. (Original) The method of claim 40, wherein the angle of inclination is between approximately 1 and 60 degrees.
42. (Original) The method of claim 40, wherein the angle of inclination is between approximately 1 and 20 degrees.
43. (Withdrawn) The method of claim 40, further comprising fixing the bottom surface of the wedge to a piece of footwear.

44. (Withdrawn) The method of claim 40, further comprising fixing the wedge to the toe.
45. (Withdrawn) The method of Claim 40, further comprising fixing the wedge to the toe using a plurality of bands.
46. (Withdrawn) The method of claim 40, further comprising fixing the wedge to the toe using a sheath.
47. (Withdrawn) The method of claim 40, further comprising declining a distal phalanx to a predetermined angle of declination along the second upper surface.
48. (Withdrawn) The method of claim 40, further comprising angling the second upper surface in a valgus orientation.
49. (Withdrawn) The method of claim 48, further comprising angling the first upper surface in a valgus orientation.
50. (Withdrawn) The method of claim 49, further comprising forming a concave depression in the first and second upper surfaces.
51. (Withdrawn) The method of claim 49, further comprising fixing the valgus orientation of the upper surfaces between 1 and 45 degrees.
52. (Withdrawn) The method of claim 40, further comprising angling the second upper surface in a varus orientation.
53. (Withdrawn) The method of claim 52, further comprising angling the first upper surface in a varus orientation.
54. (Withdrawn) The method of claim 53, further comprising forming a concave depression in the first and second upper surfaces.

55.(Withdrawn) The method of claim 53, further comprising fixing the varus orientation of the upper surfaces between 1 and 45 degrees.